

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
JULY 16, 2008
FLAGSTAFF, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was held on July 16, 2008, at the Little America Hotel, located at 2515 E. Butler Avenue, Flagstaff, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Dr. Scott Decker
Detective Lee Ann Dobbertin
Mr. Joseph Duarte
Chief Patricia Huntsman
Director Dora Schriro
Chief Jerry Sheridan
Detective Robert Thompson
Director Roger Vanderpool
Sheriff Chris Vasquez

Members Absent:

Attorney General Terry Goddard
Chief Jack Harris
Ms. Wendy Larsen

Staff in Attendance:

Harry Atkins
Ted Brandon
Rod Covey
Jim DeLung
Marie Dryer
Bob Forry
Tom Hammarstrom
Steve Jacobs
Lynn Larson
Gary Maschner
Lyle Mann
Paul Orfe
Sandy Sierra
Rick Watling

Assistant Attorney General:
Diana Stabler

Guest Roster:

Robert DeVries, Kingman P.D.
Mike Durham, 2nd Spoken Voice
Deanna Coultas, Pima County Sheriff's Department
Stella Bay, Pima Community College Police
Fred Cushman, Tucson P.D. (retired)
Leon N. Wilmot, Yuma County S.O.
Jack G. Lane, AZ DPS
H.D. Zuniga, Nogales P.D.
Ray Bermudez, Nogales P.D.
Jan Madeya, ACIP
Sherry Kiyler, Chandler P.D.
Terry Cooper, ADOT
Bryan Harrell, Pinal County S.O.
Tamatha Villar, Pinal County S.O.
John Armer, Gila County S.O.
Jerry VanWinkle, Snowflake-Taylor P.D.
Richard Clore, Chandler-Gilbert Community College
Don Engler, Payson P.D.
Ron Wheeler, Sedona P.D.
Tom Clinkenbeard, ADOT/OIG
Jesse Locksa, Maricopa County S.O.
Charlie Dennis, Page P.D.
Rod Mendoza, Parker P.D.
Robby Robinson, Yuma P.D.
Dan Hughes, Surprise P.D.
Ken Kimmel, Sierra Vista P.D.
Anthony Daykin, U of A P.D.
Stephen Garnett, Winslow P.D.
John W. Harris, Sahuarita P.D.
Daniel Sharp, Oro Valley P.D.
John L. Pickens, ASU P.D.
John J. Bennett, Paradise Valley P.D.
Henry Moore, Navajo Police
Francine Bradley, Navajo Police

A. CALL TO ORDER

Chairman Butler called the meeting to order at 2:00 p.m.

B. INTRODUCTIONS AND AWARDS

Historically at its annual meeting, POST recognizes individuals who have provided outstanding service to the Board and POST employees for an outstanding job they have done. Director Hammarstrom presented plaques to the following individuals:

Recently retired Officer Fred Cushman from the Tucson Police Department was recognized for his contributions to Arizona Peace Officer training as the chairman of the Patrol Procedures Subject Matter Expert (SME) Committee for the last ten years.

Sergeant John Hutchison from the Yavapai County Sheriff's Office was recognized for his contributions to Arizona Peace Officer training since 1997 as the co-chairman of the Defensive Tactics SME Committee.

Officer Mark Zbojnowicz (Sponge) from the Tucson Police Department was recognized for his outstanding service while assigned to POST. Sponge came to POST as a contract employee in 2004 and was assigned to the POST Training Unit. During his time at POST, Sponge worked in the areas of Defensive Tactics, Use of Force, and Winning Mind Training. He has also been the chairman of the Defensive Tactics SME Committee since 1997.

Officer Harry Atkins from the Mesa Police Department was recognized for his exceptional performance. Harry came to POST in 2005 as a contract employee and is also assigned to the Training Unit. During the last fiscal year, he was instrumental in coordinating and providing firearms training to the Maricopa County College District officers who were recently authorized by the Arizona Legislature to carry firearms.

Three POST employees were recognized for their exceptional performance during the last fiscal year; Mr. Gary Maschner, Compliance Specialist, Ms. Sandy Sierra, Administrative Services Officer and Mr. Rick Watling, Law Enforcement Training Supervisor.

C. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Chief Huntsman, seconded by Chief Sheridan.

1. Minutes of the Regular Board meeting, held on May 21, 2008, were approved as written.
2. Minutes of the Charging Board meeting, held on June 18, 2008, were approved as written.

3. The next scheduled Charging Board meeting is Wednesday, August 20, 2008, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, September 17, 2008, 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO AGENDA PACKET.
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.
 - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.
5. Decertification Case Status Report - As of May 31, 2008, the Compliance and Standards Unit had a caseload of 113 active cases. 4 cases are ready for initial presentation; 46 cases need further investigation; 8 cases are pending service of or response to a Notice of Complaint or Decision; 3 cases are pending hearing; 3 cases are ready for final action, and 41 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
6. Income and Expense Statement - May 2008

Funds as of May 1, 2008	\$1,508,352.66
CJEF Revenue	774,170.94
Expenditures/Encumbrances	(665,686.48)
Balance for May 31, 2008	\$1,119,449.25

D. REGULAR AGENDA

Pima County Sheriff's Department Petition on Behalf of Robert Aaron Burgess

Detective Dobbartin recused herself from this case. The Pima County Sheriff's Department has petitioned the Board to determine that the drug use by Robert Burgess between the ages of fifteen and seventeen was experimental. The Pima County Sheriff's Department further petitions the Board to find that if the drug use was not experimental, it was nonetheless juvenile indiscretion.

Mr. Duarte moved to grant the petition that the dangerous drug use and narcotic use that exceeded POST standards by Robert Burgess constitutes juvenile indiscretion, seconded by Director Vanderpool, motion carried unanimously.

E. LEGISLATIVE UPDATE

Deputy Director Mann informed the Board on current legislation directly impacting POST.

F. SUMMARY OF CURRENT EVENTS

Director Hammarstrom informed the Board that the Center for Leadership Excellence received two commendation letters for providing training to the International Association of Chiefs of Police and the United States Border Patrol. He also stated the POST budget remained uncut through the recent legislative session. There will be a meeting of academy administrators on August 13 at AZ POST.

G. COMMITTEE UPDATE

Chief Robert DeVries, Kingman Police Department, is the Rules Advisory Group Chair. He reported that the Rules Group met prior to the Board meeting and discussed two proposed rule revisions. The first proposal is a change to the timeframe that an agency must keep the polygraph test report on file as part of the background; the second proposal is to streamline the background process for current Arizona officers who wish to transfer to another agency. The Group voted not to go forward with the first proposal and directed staff to address the issue of streamlining the background process and bring this back to the Rules Group at its September meeting.

H. REPORTS

1. Basic Training

ALEA – Commander Markley reported they currently have five active classes on campus. 37 recruits will graduate on July 18. They currently have 225 recruits representing 20 agencies. A new class will start on July 21 and three new sergeants will be joining ALEA staff. They will have 15 classes in 2009.

CHANDLER-GILBERT – Richard Clore reported they are halfway through with their second class. They have 8 recruits, 7 are open enrollees and one is sponsored by Mesa P.D. They currently have 14 applications in process for the November class.

COTA – COTA provided a written report that states they currently have 3 classes in session with 104 recruits. They have had an 81% success graduation rate.

PIMA COUNTY S.D. ACADEMY – Lt. Deanna Coultas reported they have a class with 35 recruits in its 15th week. The next class will begin September 29 with 39 recruits. 32 of these recruits will be from PCSD, 4 from Marana P.D. and 3 from Oro Valley P.D. With this class they have added one more agency – this is the first time another agency has been added to their academy.

WALETA - Commander Wes Bauer reported they recently graduated their second class. 20 recruits representing 8 agencies graduated. They will start a new class on September 14.

2. Department of Corrections – Director Schriro stated they are currently doing exceptionally well and only have a 3% vacancy rate.
3. CLE – Rod Covey reported the Center for Leadership Excellence (CLE) has had a full and exciting two years providing leadership training around the country. They have provided training to the states of Ohio, Indiana, Oregon, California, New Mexico, Delaware, Massachusetts, New York, Vermont and Maryland. They have also assisted the federal agencies of Customs and border protection, Border Patrol, FBI, U.S. Capitol Police, U.S. Postal Office of Inspector General. They have also assisted approximately 35 agencies in Arizona. The 2009 schedule is currently being prepared.

J. FINAL ACTION CASES:

No cases this month.

K. NEW CHARGING CASES:

Case #1 – Dan A. Butterfield – White Mountain Apache Tribal P.D.
Chief Sheridan made a motion to close this case with **No Action**, seconded by Dr. Decker, motion carried unanimously.

Case #2 – David M. Haggerty – Tucson Police Department
Sheriff Vasquez made a motion to **Initiate Proceedings**, seconded by Director Vanderpool, motion carried unanimously.

Case #3 – Robert J. Lund – Tucson Police Department

Chief Sheridan made a motion to ***Initiate Proceedings***, seconded by Chief Huntsman, motion carried unanimously.

Case #4 – Stephen L. Koren – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case. Mr. Duarte made a motion to close this case with ***No Action***, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – David B. Nash – Graham County Sheriff's Office

Director Vanderpool made a motion to ***Initiate Proceedings***, seconded by Detective Dobbertin, motion carried unanimously.

Case #6 – Hobby W. Nelson – Glendale Police Department

Sheriff Vasquez made a motion to ***Initiate Proceedings***, seconded by Chief Sheridan, motion carried unanimously.

Case #7 – Nicholas P. Rice – Yuma County Sheriff's Office

Chief Sheridan made a motion to ***Initiate Proceedings***, seconded by Chief Huntsman, motion carried unanimously.

Case #8 – Kurt L. Sipmann – Phoenix Police Department

Director Vanderpool made a motion to ***Initiate Proceedings***, seconded by Sheriff Vasquez, motion carried unanimously.

Case #9 – George D. Ybarra – Phoenix Police Department

Director Vanderpool made a motion to ***Initiate Proceedings***, seconded by Detective Dobbertin, motion carried unanimously.

L. CALL TO THE PUBLIC

Mr. Mike Durham addressed the Board during the call to the public and encouraged the Board to consider an agenda item for its September meeting that deals with Senate Bill 1274 and Senate Bill 1412.

M. ADJOURN

Chairman Butler adjourned the meeting at 3:20 p.m.